

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAMMY KITZMILLER, <u>et al.</u>	:	Case No. 04cv2688
Plaintiffs	:	
	:	
v.	:	Judge Jones
	:	
DOVER AREA SCHOOL DISTRICT,	:	
<u>et al.</u>	:	
Defendants.	:	

PRELIMINARY PRETRIAL ORDER

August 26, 2005

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On August 25, 2005, a pre-trial conference was held between this Court and counsel for the Plaintiffs and counsel for the Defendants. During the conference the parties and this Court entered into oral stipulations regarding several preliminary matters which must be resolved before trial. The following order reflects those discussions and stipulations.

NOW, THEREFORE, THE FOLLOWING ORDER IS ENTERED:

i. That the bench trial in this matter will commence on September 26, 2005, at 9:00 a.m. in Courtroom #2 in Harrisburg, Pennsylvania. The following is a list of trial dates: September 27-30,¹ October 5, 6, 12, 14 17-21, 24, and 27. The Court

¹ The September 30 trial session shall commence at 1:00 p.m.

will inform all counsel of additional trial dates that we will schedule for November 2005, in the event necessary. The trial will be held in Courtroom #2 for the week of September 26-30 and continue in Courtroom #1 thereafter in Harrisburg, Pennsylvania. Each trial day shall commence at 9:00 a.m. and conclude at 4:00 p.m unless otherwise specified by the Court.

ii. Within ten (10) days from the date of this Order, counsel for the parties shall submit a joint stipulation of facts.

iii. Each party has indicated the desire to make brief opening and closing statements, and the parties have agreed that the statements together shall not exceed one hour in length per party.

iv. Counsel for each party shall provide the precise names, addresses, or sufficient evidence as to the precise whereabouts of any witness to opposing counsel and the Court within ten (10) days of the date of this Order.²

v. To the extent that any witness is not disclosed, in strict adherence with paragraph 4 above, the non-disclosing party shall be precluded from presenting such witness at the time of trial.

vi. Any and all motions in limine shall be submitted to the Court no later

² We note that we are in receipt of Plaintiffs' Pretrial Memorandum which complies with this Order in that it provides the names, addresses, and phone numbers of all witnesses Plaintiffs expect to call in this case.

than September 6, 2005 and responses to such motions shall be filed no later than September 16, 2005.

vii. Counsel shall present to the Court any designated deposition testimony for use at trial by either party to which counsel have specific objections no later than September 19, 2005, together with appropriate argument in support of the objections.

viii. Proposed findings of fact and conclusions of law shall be submitted to the Court not later than fourteen (14) days after the trial concludes.

ix. Any questions concerning technological requirements or courtroom logistics in general shall be directed to Harrisburg Chief Deputy Clerk Gary Hollinger.

s/ John E. Jones III
John E. Jones III
United States District Judge

